

**ORDINANCE NUMBER 1364**

**Final Publication Number 3351. First Publication in the Chronicle on December 25, 2014.**

**City of Cambridge**

**In the Year Two Thousand and Fifteen**

**AN ORDINANCE**

**In amendment to the Ordinance entitled “Municipal Code of the City of Cambridge”**

**Be it ordained by the City Council of the City of Cambridge that the Municipal Ordinances of the City of Cambridge be amended:**

**To strike out Chapter 8.28 and substitute a new chapter 8.28 entitled “Restrictions on Youth Access and Sale of Tobacco Products and on Smoking in Workplaces and Public Places” together with Appendix A to 8.28.085 List of Parks and Plazas with smoking status.**

**CHAPTER 8.28**

**Restrictions on Youth Access and Sale of Tobacco Products and on Smoking in Workplaces and Public Places**

- 8.28.010 Declaration of Legislative Findings
- 8.28.020 Definitions for Youth Access and Sale of Tobacco Products
- 8.28.030 Youth Access and Sale of Tobacco Products
- 8.28.040 Enforcement and Violations
- 8.28.050 Definitions for Prohibition of Smoking in the Workplace
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- 8.28.160 Effective Date of January 29, 2015 Amendments

### **8.28.010 Declaration of Legislative Findings**

The City Council finds and declares that the purposes of this Chapter are to protect public health, safety and general welfare by:

- A. Preventing access to tobacco products by people under twenty-one (21) years of age;
- B. Creating a permitting process for tobacco sales to facilitate enforcement of this chapter;
- C. Prohibiting smoking in workplaces and most other public places.

## **I**

### **8.28.020. Definitions for Youth Access and Sale of Tobacco Products:**

For the purposes of this ordinance, the following words shall have the meanings respectively ascribed to them by this section:

**Blunt wrap:** Any tobacco product manufactured or packaged as a wrap or as a hollow tube made wholly or in part from tobacco that is designed or intended to be filled by the consumer with loose tobacco or other fillers.

**Cambridge Public Health Department:** the entity that provides public health services for the City of Cambridge, pursuant to Chapter 147 of the Acts of 1996.

**Characterizing Flavor:** A distinguishable taste or aroma, other than the taste or aroma of tobacco, menthol, mint or wintergreen, imparted either prior to or during consumption of a tobacco product or component part thereof, including but not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb or spice; provided, however, that no tobacco product shall be determined to have a characterizing flavor solely because of the use of additives or flavorings that do not contribute to the distinguishable taste or aroma or because of the provision of ingredient information.

**Cigar:** Any roll of tobacco that is wrapped in leaf tobacco or in any substance containing tobacco with or without a tip or mouthpiece not otherwise defined as a cigarette under Massachusetts General Law, Chapter 64C, Section 1, Paragraph 1.

**City:** The City of Cambridge.

**Commercial Roll-Your-Own (RYO) machine:** A mechanical device, by whatever manufacturer made and by whatever name known, located in a business or used for sale or distribution of tobacco that is designed to roll and wrap tobacco into products. RYO machines located in a private home, used for personal consumption, are not Commercial Roll-Your-Own machines.

**Component Part:** Any element of a tobacco product, including, but not limited to, the tobacco, filter and paper, but not including any constituent.

**Constituent:** Any ingredient, substance, chemical or compound, other than tobacco, water or reconstituted tobacco sheet, that is added by the manufacturer to a tobacco product during the processing, manufacture or packing of the tobacco product. Such term shall include a smoke constituent.

**Distinguishable:** Perceivable by either the sense of smell or taste.

**E-Cigarette:** Any electronic nicotine delivery product composed of a mouthpiece, heating element, battery and/or electronic circuits that provides a vapor of liquid nicotine to the user, or relies on vaporization of solid nicotine or any liquid. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes or under any other product name.

**Flavored Tobacco Product:** Any tobacco product or component part thereof that contains a constituent that imparts a characterizing flavor. A public statement or claim made or disseminated by the manufacturer of a tobacco product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such tobacco product, that such tobacco product has or produces a characterizing flavor shall constitute presumptive evidence that the tobacco product is flavored.

**Health Care Institution:** An individual, partnership, association, corporation or trust or any person or group of persons that provides health care services and employs health care providers licensed, or subject to licensing, by the Massachusetts Department of Public Health under M.G.L. c. 112. Health care institution includes hospitals, stand-alone clinics, in-store clinics, health centers, pharmacies, drug stores and doctors' and dentists' offices.

**Inspectional Services Department:** The City of Cambridge Department which is responsible for enforcement of state laws and related City ordinances which pertain to the State Building Code, local zoning laws and certain articles of the State Sanitary Code.

**Nicotine Delivery Product:** Any manufactured article or product made wholly or in part of a tobacco substitute or otherwise containing nicotine that is expected or intended for human consumption, but not including a tobacco substitute prescribed by a licensed medical provider or a product that has been approved by the U.S. Food and Drug Administration for sale as a tobacco use cessation or harm reduction product or for other medical purposes and which is being marketed and sold solely for that approved purpose. Nicotine delivery products include, but are not limited to, e-cigarettes.

**Person:** A person, employer, employee, retail store manager or owner, or the owner or operator of any establishment engaged in the sale of tobacco products.

**Retail Tobacco Store:** An establishment which is not required to possess a retail food permit whose primary purpose is to sell or offer for sale to consumers, but not for resale, tobacco products and tobacco paraphernalia, in which the sale of other products is merely incidental, and in which the entry of persons under the age of 18 is prohibited at all times, and maintains a valid permit for the retail sale of tobacco products as required to be issued by the Cambridge Public Health Department.

**Self Service Display:** Any display of tobacco products which is so located such that said products are accessible to customers without assistance from an employee or store personnel.

**Vending Machine:** Any automated, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses cigarettes or any other tobacco product.

**Tobacco Product:** Cigarettes, cigars, chewing tobacco, pipe tobacco, nicotine delivery product, snuff or tobacco in any of its forms.

**Youth:** Any individual who is under the age of twenty-one (21) years.

### **8.28.030 Youth Access and Sale of Tobacco Products:**

#### **A. Prohibition Against Sale of Tobacco to Youths:**

1. No person shall sell tobacco products or permit tobacco products to be sold to a youth or, not being the youth's parent or guardian, no person shall give tobacco products to a youth.
2. No person shall sell or permit the sale of tobacco products unless the location at which the tobacco products are available for purchase is posted with a notice which is clearly visible to anyone purchasing such products and which states: "The City of Cambridge, by Chapter 8.28 of the Cambridge Municipal Code, prohibits the sale of tobacco products to any person under the age of twenty-one (21) years." Said notice shall be available from the Cambridge Public Health Department.
3. Each retailer shall verify by means of photographic identification containing the bearer's date of birth that no person purchasing the product is younger than twenty-one (21) years of age. No such verification is required for any person over the age of 26.

**B. Prohibition Against the Sale of Tobacco Products by Health Care Institutions** No health care institution located in the City of Cambridge shall sell or cause to be sold tobacco products. Additionally, no retail establishment that operates or has a health care institution within it, such as a pharmacy or drug store, shall sell or cause to be sold tobacco products.

**C. Tobacco sales permit:**

1. No person shall sell tobacco products within the City of Cambridge without first obtaining a tobacco sales permit issued by the Inspectional Services Department.
2. As part of the application process, the applicant will be provided with instructions on compliance with G.L.c.270 section 6 (sales of tobacco to minors and penalties for violation thereof), a copy of this ordinance prohibiting the sale of tobacco products to youths and compliance with this chapter.
3. Each applicant is required to sign a statement declaring that the applicant has read said instructions and that the applicant is responsible for instructing any and all employees who will be responsible for tobacco sales regarding the laws.
4. The fee for a tobacco sales permit shall be determined by the Commissioner of Inspectional Services. All such permits shall be renewed annually on July 1.
5. A separate permit is needed for each location.
6. Each tobacco sales permit shall be displayed on the premises in a conspicuous place.

**D. Free distribution.** No person shall, in or upon any part of the streets, parks, public grounds, public buildings or other publicly owned places within the City of Cambridge, distribute free of charge any products containing tobacco or any coupons or vouchers for free tobacco products, to any person for any promotional or other commercial purposes.

**E. Packaging.** Sale or distribution of single cigarettes or any tobacco product in any form other than an original factory-wrapped package is prohibited. No manufacturer, distributor or retailer may sell or cause to be sold, or distribute or cause to be distributed, any cigarette package that contains fewer than twenty cigarettes.

**F. Self Service Displays.** All self-service displays of tobacco products are prohibited. The only exception is self service displays that are located in facilities where the retailer ensures that no person younger than twenty-one (21) years of age is present, or permitted to enter, at any time.

**G. Tobacco Products Vending Machines:** No person shall distribute or sell tobacco products by the use of a vending machine.

**H: Cigar Sales Regulated:**

1. No retailer, retail establishment, or other individual or entity shall sell or distribute or cause to be sold or distributed a cigar unless the cigar is contained in an original package of at least four (4) cigars.

This Section shall not apply to:

- a. The sale or distribution of any cigar having a retail price of more than two dollars and fifty cents (\$2.50).
- b. A person or entity engaged in the business of selling or distributing cigars for commercial purposes to another person or entity engaged in the business of selling or distributing cigars for commercial purposes with the intent to sell or distribute outside the boundaries of the City.
- c. retail tobacco stores.

**I: Prohibition on the Sale of Blunt Wraps:**

No person shall sell or distribute blunt wraps in the City.

**J: Commercial Roll-Your-Own Machines**

All commercial roll-your-own machines are prohibited.

**K: Sale of Flavored Tobacco Prohibited:**

No retailer, or other individual or entity shall sell or distribute or cause to be sold or distributed or offer for sale any flavored tobacco to a consumer. This provision shall not apply to a retail tobacco store.

**8.28.040. Enforcement and penalties:**

**A. Noncriminal Disposition.** The penalty for each violation of 8.28.030 paragraph A shall be a fine of one hundred dollars (\$100.00) for the first offense, two hundred dollars (\$200) for the second offense and three hundred dollars (\$300) for the third and each subsequent offense within a twenty-four month period. The permit holder is responsible for payment of the fine. Any fines imposed under the provisions of this chapter shall inure to the City of Cambridge. For the purposes of this chapter, the following shall be enforcing officers: Police Officers; and employees of the License Commission, the Cambridge Public Health Department and Inspectional Services Department or their designees.

B. The Commissioner of Inspectional Services shall suspend for seven (7) days a tobacco sales permit granted pursuant to this ordinance upon determination that a permit holder has committed two (2) violations within twenty-four months, calculated from the date of the first offense. The Commissioner of Inspectional Services shall suspend a tobacco sales permit for thirty (30) days for a third or subsequent offense within the same twenty-four month period. The Commissioner of Inspectional Services shall provide notice of the intent to suspend a tobacco sales permit, which notice shall contain the reasons therefor and establish a time and date for a hearing, which date shall be no earlier than seven (7) days after the date of said notice. The permit holder shall have an opportunity to be heard at such hearing and shall be notified of the Commissioner's decision, and the reasons therefor, in writing. All tobacco products shall be removed from the premises upon suspension or revocation of the tobacco sales permit. Failure to remove all tobacco products shall constitute a separate violation of this chapter.

C. Any permit holder who does not have an appeal pending and does not pay a fine within twenty-one days may be subject to the revocation of the tobacco sales permit granted pursuant to this chapter. The Commissioner of Inspectional Services shall provide notice of the intent to revoke a tobacco sales permit, which notice shall contain the reasons therefor and establish a time and date for a hearing, which date shall be no earlier than seven (7) days after the date of said notice. The permit holder shall have an opportunity to be heard at such hearing and shall be notified of the Commissioner's decision, and the reasons therefor, in writing. The Commissioner of Inspectional Services, after a hearing, may revoke the tobacco sales permit until the fine is paid. All tobacco products shall be removed from the premises upon suspension or revocation of the tobacco sales permit. Failure to remove all tobacco products shall constitute a separate violation of this ordinance.

D. A violation of any provision of this chapter other than 8.28.030 paragraph A shall be subject to a fine of twenty-five dollars (\$25) which may be enforced by Noncriminal Disposition as stated in 8.28.040.section A. Every day in which a person engages in conduct prohibited by this chapter shall constitute a single and separate violation. Any fines imposed under the provisions of this chapter shall inure to the City of Cambridge.

E. Any citizen who desires to register a complaint under this chapter may initiate enforcement with the Public Health Department.

**II**

**8.28.050 Definitions for Prohibition of Smoking in Workplaces:**

For the purposes of this ordinance, in addition to the definitions in 8.28.020 above, the following words shall have the meanings respectively ascribed to them by this paragraph:

**Agent or Business Agent:** An individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of said establishment.

**Employee:** Any individual person who performs services for an employer.

**Employer:** An individual person, partnership, association, corporation, trust, or other organized group of individuals, including the City of Cambridge or any agency thereof, which utilizes the services of one (1) or more individual employees, with or without compensation.

**Enclosed Area:** A space bounded by walls (with or without windows) from the floor to the ceiling and enclosed by doors. An enclosed area may include, but is not limited to, offices, rooms, and halls.

**Person:** Any individual, firm, partnership, association, corporation, company or organization of any kind including, but not limited to an owner, operator, manager, proprietor or person in charge of any building, establishment, business, or restaurant or retail store, or the agents or designees of any of the foregoing.

**Private Club:** A not-for-profit establishment created and organized pursuant to M.G.L. Ch. 180 as a charitable corporation with a defined membership. A private club is not a place of public accommodation but rather distinctly private. Criteria used to determine whether a club is distinctly private include, but are not limited to, those factors identified in 204 CMR 10.02. If a private club holds an alcoholic beverage license, said license shall be a “club license” or a “war veterans club license” as defined by M.G.L. Ch. 138. Sec. 12 and by the Massachusetts Alcohol Beverage Control Commission. Said license is subject to the terms set forth by the local licensing authority.

**Smoking:** Inhaling, exhaling, burning or carrying any lighted cigarette, cigar, pipe tobacco, nicotine delivery product, snuff or tobacco in any manner or in any form.

**Workplace:** Any enclosed area of a structure or portion thereof at which one (1) or more employees perform services for their employer. Workplace includes hallways, stairwells, lobbies, elevators and restrooms.

#### **8.28.060 Prohibition of Smoking in Workplaces.**

A. Smoking is prohibited in all workplaces, including private clubs.

B. It shall be unlawful for any employer or other person having control of premises upon which smoking is prohibited by this chapter, or the agent or designee of such person, to permit a violation of this chapter.

C. The Cambridge Public Health Department may promulgate reasonable rules and regulations for the implementation of this chapter.

#### **8.28.070. Prohibition of Smoking in Workplaces Enforcement and Penalties.**

A. Any establishment who violates this chapter shall be subject to a fine in an amount of one hundred dollars (\$100) for a first offense, two hundred dollars (\$200) for a second offense and three hundred dollars (\$300) for a third or subsequent offense within a twenty-four month period from the first offense. Any private individual who violates this chapter shall be subject to a fine of one hundred dollars (\$100). Each day a violation occurs will be considered a separate offense.

B. As an alternative to initiating criminal proceedings, violations of this Section II. of this chapter may be enforced in the manner provided in MGL c.40, s.21D. Any fines imposed under the provisions of this chapter shall inure to the City of Cambridge. For the purposes of this chapter, the following shall be enforcing officers: Police Officers; and employees of the License Commission, the Public Health Department and Inspectional Services Department or their designees.

C. Any citizen who desires to register a complaint under this chapter may request that the Cambridge Public Health Department initiate an investigation.

### III

#### **8.28.080 Definitions for Prohibition on Smoking in Public Places:**

For the purposes of this ordinance, in addition to the definitions in 8.28.020 and 8.28.050, the following words shall have the meanings respectively ascribed to them by this paragraph:

**Health Care Facility:** Any office or institution providing individual care or treatment of diseases, whether physical, mental or emotional, or other medical, physiological or psychological conditions including but not limited to rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, offices of any surgeon, chiropractor, physical therapist, physician, dentist and all specialists within these professions.

**Mall:** Any enclosed public walkway or hall area which serves to connect retail stores or offices.

**Municipal Facility:** Any building or facility owned, leased, operated or occupied by the municipality, including school buildings and grounds.

**Municipal Vehicle:** Any vehicle owned or leased by the municipality, and operated or occupied by employees, agents or contractors of the municipality.

**Public park restricted area:** Any public outdoor parks of less than 15,000 square feet, fenced-in tot lots, and all public open space including athletic fields in use during City-permitted events, to which the public is invited and permitted. See section 8.28.085 for a complete listing of public park restricted areas within the City.

**Public place:** An enclosed indoor area on public or private property where the public is invited or permitted, including but not limited to the following facilities: healthcare facilities, malls, municipal facilities, public transportation vehicles, retail food stores, retail stores, educational facilities, libraries, museums, theaters, banks, laundromats, indoor sports arenas, auditoriums, all enclosed areas of inns/hotels/motels, including all guest rooms, auditoriums and any rooms or halls used for a public meeting, public areas of banks and automatic banking lobbies, common areas of residential buildings, public restrooms, lobbies, staircases, waiting rooms, halls, exits, entrance ways, elevators accessible to the public and licensed child-care locations.

**Public transportation vehicle:** Buses, taxis, and other means of transportation available to the general public while such means of transportation is operating within the boundaries of the city including indoor platforms by which such means of transportation may be accessed.

**Retail Food Store:** Any establishment selling food to the public for off premise consumption. "Retail Food Store" shall not include restaurants as defined in 8.28.110.

**Retail Store:** Any establishment selling goods, articles or personal services to the public, including such places as barbershops, hair salons, nail salons and tanning salons.

**Smokeshop:** Retail stores where the primary business is the sale of tobacco products;

#### **8.28.085 List of Public Park Restricted Areas**

Attached as Appendix A to this ordinance is a list of public park restricted areas.

#### **8.28.090 Prohibition of Smoking in Public Places**

##### **A. Smoking Prohibited:**

No person shall smoke nor shall any person be permitted to smoke in any public place, municipal vehicle, or public park restricted area.

##### **B. Election for coverage by private facilities:**

The owner, manager, or other person in charge of a building or facility not prohibited from allowing smoking by this ordinance or other laws may elect to prohibit smoking.

**C. Posting notice of prohibition:**

Every person having control of premises upon which smoking is prohibited by and under the authority of this ordinance shall conspicuously display upon the premises "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it).

**D. Exceptions:**

Notwithstanding the provisions of 8.28.090A of this chapter, smoking may be permitted in the following places and/or circumstances:

- (1) Private residences, except when used as a licensed child care facility or health care facility;
- (2) University Dormitory rooms occupied by one (1) or more students, all of whom are smokers, who have requested in writing to be placed in rooms where smoking is permitted by the University. ;
- (3) Private or semiprivate rooms of nursing homes and long term care facilities, *which is separately ventilated*, occupied by one (1) or more patients, all of whom have requested in writing to be placed in rooms where smoking is permitted;
- (4) Smokeshops provided such establishments prohibit entry to persons under the age of eighteen (18) at all times, and that such establishments conspicuously post signs at all entrances that warn patrons of the dangers of environmental tobacco smoke;
- (5) Performers upon the stage, provided that the smoking is part of a theatrical production;
- (6) Religious ceremonies where smoking is part of the ritual;
- (7) The Middlesex County Jail/House of Corrections or places of incarceration/detention.

**8.28.100. Violations and Penalties:**

A. Any establishment who violates this chapter shall be subject to a fine in an amount of one hundred dollars (\$100) for a first offense, \$200 dollars (\$200) for a second offense and three hundred dollars (\$300) for a third or subsequent offense within a twenty-four month period from the first offense. Any private individual who violates this chapter shall be subject to a fine of one hundred dollars (\$100). Each day a violation occurs will be considered a separate offense.

B. As an alternative to initiating criminal proceedings, violations of this Section III of this ordinance may be enforced in the manner provided in MGL c.40, s. 21D. Any fines imposed under the provisions of this chapter shall inure to the city of Cambridge. For the purposes of this chapter, the following shall be enforcing officers: Police Officers; and employees of the License Commission, the Public Health Department and Inspectional Services Department or their designees.

C. Any citizen who desires to register a complaint under this section may request that the Cambridge Public Health Department initiate an investigation.

**IV**

**8.28.110 Definitions for Prohibition on Smoking in Restaurants**

For purposes of this ordinance, in addition to the definitions in 8.28.020, 8.28.050 and 8.28.080 above, the following words shall have the meanings respectively ascribed to them by this paragraph:

**License Commission:** Composed of three commissioners under Chapter 95 of the Special Act of 1922; said commission regulates and issues licenses for restaurants, entertainment facilities and clubs within the City of Cambridge.

**Restaurant:** Any eating or entertainment establishment which possesses a Common Victualer License under the provisions of M.G.L. c. 140 including but not limited to any coffee shop, cafeteria, sandwich shop, private and public school cafeteria, which gives or offer food for sale to the public, guests, or employees for on-premises consumption. Restaurant premises shall include all outdoor and sidewalk seating areas. This includes those establishments that possess a common victualer license and/or an alcohol license as approved by the License Commission prior to 1986 and which is also approved by the License Commission pursuant to any other law.

#### **8.28.120 Prohibition of Smoking in Restaurants**

##### **A. Smoking Prohibited:**

No person shall smoke (including using e-cigarettes), nor shall any person be permitted to smoke (including using e-cigarettes) in any restaurant, except that e-cigarette, hookah and water pipe use shall be permitted in any restaurant outdoor seating area other than on public sidewalk seating areas.

##### **B. Posting notice of prohibition:**

Every person having control of premises upon which smoking is prohibited by and under the authority of this ordinance shall conspicuously display at the entry(s) of the premises and upon the premises "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it).

#### **8.28.130. Violations and Penalties:**

A. Any person who violates this chapter by (1) allowing smoking in a nonsmoking area or (2) allowing a youth into an area restricted to twenty-one and older shall be subject to a fine in an amount of one hundred dollars (\$100) for a first offense, two hundred dollars (\$200) for a second offense, three hundred dollars (\$300) for a third offense or subsequent offense within a twenty-four month period from the first offense. Each day a violation occurs will be considered a separate offense.

B. As an alternative to initiating criminal proceedings, violations of section 8.28.120 may be enforced in the manner provided in MGL c.40, s.21D. Any fines imposed under the provisions of this chapter shall inure to the City of Cambridge. For the purposes of this chapter, the following shall be enforcing officers: Police Officers; and employees of the License Commission, the Public Health Department and Inspectional Services Department or their designees.

C. Any citizen who desires to register a complaint under this section may request that the Cambridge Public Health Department initiate an investigation.

#### **8.28.140 Invalidity of Provisions**

In the event that any one or more of the phrases, sentences, clauses, or paragraphs contained in this Ordinance shall be declared invalid by the final and unappealable order, decree or judgement of a court of competent jurisdiction, this Ordinance shall be construed as if it did not contain such phrases, sentences, clauses, or paragraphs.

#### **8.28.150 Conflict with Other Laws and Regulations:**

Notwithstanding the provisions of the foregoing ordinance, nothing in this ordinance shall be deemed to amend or repeal applicable fire, health or other regulations so as to permit smoking in areas where it is prohibited by such fire, health or regulations.

**8.28.160 Effective Date of January 29, 2015 Amendments:**

The amendments to this ordinance adopted by the City Council on January 29, 2015 shall take effect on June 1, 2015, so as to allow the City to notify the affected businesses and members of the public of the amendments prior to the effective date of June 1, 2015.

In City Council January 29, 2015.  
Passed to be ordained as amended by a yeas and nays vote:-  
Yeas 9; Nays 0; Absent 0; Present 0.  
Attest:- Donna P. Lopez, City Clerk.

A true copy;

ATTEST:-

Donna P. Lopez  
City Clerk

**Appendix A to 8.28.085-- Lists of Parks and Plazas, with Smoking Status**

<b>Park Name</b>	<b>Smoking Status</b>
1 Ahern Field	Not allowed at tot lot
2 Alberico Park	Allowed
3 Alden Park	Allowed
4 Anderson Courts	Allowed
5 Bergin Park	Allowed
6 Cambridge Common	Not allowed at tot lot
7 Centanni Way	Allowed
8 Charles Park	Not allowed at tot lot
9 Clarendon Avenue Playground	Not allowed at tot lot
10 Clement G. Morgan Park	Not allowed at tot lot
11 Cooper Park	Not allowed
12 Corporal Burns Park	Not allowed at tot lot
13 Costa Lopez Taylor Park	Allowed
14 Dana Park	Not allowed at tot lot
15 Danehy Park	Not allowed at tot lot
16 David Nunes Park	Allowed
17 Donnelly Field	Not allowed at tot lot
18 Elm/Hampshire Plaza	Not allowed
19 Father Callanan Playground	Allowed
20 Flagstaff Park	Allowed
21 Fort Washington Park	Allowed
22 Franklin Street Park	Not allowed
23 Fresh Pond Reservation	Allowed
24 Front Park	Allowed
25 Fulmore Park	Allowed
26 Gannett/Warren Pals Park	Not allowed
27 Garden Street Glen/Roethlisberger Memorial Park	Allowed

28	Gibbons Park	Allowed
29	Glacken Field	Not allowed at tot lot
30	Gold Star Mothers Park	Not allowed at tot lot
31	Greene • Rose Heritage Park	Not allowed at tot lot
32	Hastings Square	Allowed
33	Hoyt Field	Not allowed at tot lot
34	Hurley Park	Not allowed
35	Joan Lorentz Park	Not allowed at tot lot
36	Kingsley Park	Allowed
37	Larch Road Park	Not allowed at tot lot
38	Lechmere Canal Park	Not allowed at tot lot
39	Lindstrom Field	Not allowed at tot lot
40	Linear Park	Allowed
41	Longfellow Park	Allowed
42	Lopez Street Park	Not allowed
43	Lowell School Park	Not allowed at tot lot
44	Maple Avenue Park	Not allowed
45	Market Street Park	Not allowed
46	McMath Park	Allowed
47	New Riverside Neighborhood Park	Allowed
48	Pacific Street Open Space	Allowed
49	Paine Park	Not allowed
50	Pine Street Park	Not allowed
51	Rafferty Park	Allowed
52	Raymond Park/Corcoran Field	Not allowed at tot lot
53	Reverend Williams Park	Not allowed at tot lot
54	Rindge Field	Allowed
55	Riverside Press Park	Not allowed at tot lot
56	Russell/Samp Field/Comeau Field	Not allowed at tot lot
57	Sacramento Field	Not allowed at tot lot
58	Sennott Park	Not allowed at tot lot
59	Silva Park	Not allowed
60	Squirrel Brand Park	Not allowed
61	St. Peter's Field	Not allowed at tot lot
62	Thomas P. O'Neill, Jr. Municipal Golf Course	Allowed
63	Tobin Field	Allowed
64	Wilder-Lee Park	Not allowed
65	William G. Maher Park	Allowed
66	Winthrop Square	Allowed

**Plaza Name**

**Smoking Status**

67	Bishop Allen Plaza	Allowed
68	Brattle Square	Allowed
69	Carl Barron Plaza	Allowed
70	Dawes Park	Allowed
71	Dolan Square	Allowed
72	Eliot Street Plaza	Allowed
73	Harvard Square	Allowed

74	Lafayette Square	Allowed
75	Mt. Auburn Veterans Memorial Plaza	Allowed
76	Point Park	Allowed
77	Porter Square	Allowed
78	Quincy Square	Allowed
79	Sullivan Square	Allowed
80	Vellucci Plaza	Allowed
81	Western Ave. and River St.	Allowed
82	Zimmerman Square	Allowed